

Remarks

Claims 1-10 currently are pending in the present application. Claims 1 and 8-10 are withdrawn due to a restriction requirement and claims 2-7 stand rejected. Claims 1 and 8-10 are canceled herein in response to the restriction requirement. Applicants reserve the right to prosecute this canceled subject matter in a later filed divisional or continuation application.

Applicants are amending the specification to update the cross-reference to related applications. Applicants submit that no new matter is added and request entry of this amendment.

Claims 2-7 are rejected under 35 U.S.C. §112, first paragraph, as not enabled for reasons discussed in a previous Office Action. The Office has stated that a deposit of strain(s) would satisfy the enablement requirements and requested that Applicants meet the criteria of 37 C.F.R §§ 1.801-1.809.

Applicants made a deposit of the mixed bacterial culture of the present invention at the Australian Government Analytical Laboratories (AGAL) under the Budapest Treaty on October 20, 1999. The deposit is assigned the accession number NM99/07541. Applicants are amending the specification herein at paragraph 29 to recite the address of the depository and the date the deposit was made.

A declaration executed by the director of Bioheap Limited, the assignee of the present application, is being submitted as part of this response. The declaration affirms that the deposit of the cultures was made under the terms of the Budapest Treaty and that all restriction upon availability of the cultures will



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be irrevocably removed. A receipt for the deposit also is enclosed with this response.

Applicants now submit that the rejection under the enablement statute is overcome and request allowance of the claims.

For the reasons discussed above, Applicants request reconsideration of the application and allowance of the claims as amended.

<b>RESPECTFULLY SUBMITTED,</b>					
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